

New Jersey. Laws, statutes etc. Session laws
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ACTS

38 S.

OF THE

One Hundred and Thirty-Sixth Legislature

OF THE

STATE OF NEW JERSEY,

AND

Sixty-Eighth Under the New Constitution.



TRENTON, N. J.

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1912.

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warded to the clerk of the Court of Common Pleas or register of deeds, wherever such office exists, for filing with the approval of the said governing body endorsed thereon.

3. Whenever any such map, plat or plan or chart shall be filed for approval with the governing body of any municipality the said governing body shall approve or disapprove the same within thirty days from the receipt thereof.

Approval
of maps by
municipality.

4. This act shall take effect immediately.
Approved March 28, 1912.

CHAPTER 243.

An Act to authorize the State Water-Supply Commission to have supervision over the erection and maintenance of dams on certain rivers and streams or reservoirs within this State or between this and any other State.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. No municipal corporation, corporation or person shall, without the consent of the State Water-Supply Commission, build any reservoir or construct any dam on any river or stream in this State or between this and any other State, which will raise the waters of such river or stream more than five feet above their usual mean low-water height, nor repair, alter or improve dams now existing, which so raise the water, without such consent, but this act shall not affect or relate to dams where the drainage area above the same shall be less than one square mile in extent.

Consent to
dams, etc.

2. Every municipal corporation, corporation or person before the erection by it of any dam or reservoir, subject to the provisions of this act, shall apply to the

Application
for approval
of plans.

Consent
granted.

Exception.

Plans, etc.,
furnished.

Inspection
of dams on
application
or otherwise.

If dam not
adequate,
action taken.

State Water-Supply Commission for the approval of the plans of such dam or reservoir, which approval said commission is authorized to grant with such modifications, limitations or changes as in its judgment may be necessary for the protection of life and property. If any municipal corporation, corporation or person has heretofore secured the property necessary for any dam, reservoir, or water power development and in good faith commenced the construction of the same, this section shall not apply to such construction, if maps, plans and descriptions of the proposed construction shall be filed with the commission within ninety days of the approval of this act.

3. Every municipal corporation, corporation or person owning and maintaining or having control of any dam or reservoir shall, upon written request therefor, furnish to the State Water-Supply Commission as full, true and particular description of such dam or reservoir as may be practicable, and shall, when so requested by the commission, cause to be made such necessary surveys, plans and drawings of any existing dam or reservoir as may be necessary to give sufficient information concerning any such dam or reservoir for the determination of its safety as may be required by said commission.

4. The State Water-Supply Commission upon application made to it in writing by any person owning or representing property liable to be injured or destroyed by the breaking of any dam or reservoir, or upon application being made by the mayor or governing body of any municipality on account of possible danger of loss of life or of injury to any highway or bridge within their jurisdiction from the breaking of any dam or reservoir, or without such complaint whenever the commission shall have cause to apprehend that any dam or reservoir is unsafe, shall forthwith thoroughly inspect such dam or reservoir. If, in its judgment such dam or reservoir be not sufficiently strong to resist the pressure of water upon it, or if from any other cause the commission shall determine such dam or reservoir to be unsafe, or if, in its judgment, there is reasonable

cause to believe that danger to life or property may be apprehended from such dam or reservoir, the commission shall determine whether the water above such dam or in such reservoir shall be drawn in whole or part, what alterations, additions and repairs are necessary to be made to such dam or reservoir to make the same safe, and shall forthwith in writing notify the owner or person having control of such dam or reservoir to cause such additions, alterations and repairs in said dam or reservoir to be made within the time to be limited in such notice, and may order the water above such dam or in said reservoir to be drawn off in whole or in part as said commission may determine.

Notice to
owners.

5. If the owner or person having the control of any dam or reservoir who shall be required to draw off the water or a portion of the water, or to make alterations in any dam or reservoir or repairs thereon or additions thereto in the manner prescribed in the preceding section, shall not forthwith comply with such requirements, or shall not prosecute the work, when commenced, with reasonable expedition, the commission is hereby authorized to direct the Attorney-General to proceed in the name of the State to enforce its order in a court of competent jurisdiction; upon the filing of a petition by the Attorney-General in such court, a citation shall issue to the person controlling or owning such dam or reservoir, commanding him to appear at a time and place named therein to show cause, if any exists, why the relief prayed for should not be granted, and the court shall summarily hear the said cause, and upon hearing the parties, and by proceeding ex parte if the respondent fails to appear, the court may make such order and decree in the premises as will effectually secure the persons interested from danger or loss from the breaking of the dam or reservoir complained of, and the court may enforce such orders and decree by injunction, process by contempt, by sequestration, or by such other processes as may be applicable in such cases.

If owner
fail to act.

Attorney
General
called in.

Citation
issued.

Hearing.

Enforcement
of orders of
court.

6. Where by the laws of this State any company may be authorized to be formed for the purpose of damming

Height of
inter-state
dams.

rivers or streams in this State or between this and any other State and to erect dams not to exceed a certain height, the State Water-Supply Commission may authorize such company to construct dams of a greater height where in its judgment the interests of the economical development of water power may require the same, provided the commission be first satisfied that such dam shall be constructed of sufficient strength to make the same safe, and that due compensation be made to the owners of any land or rights in land and water which may be affected by the construction of the same.

Inspection
of dams.

7. The State Water-Supply Commission is hereby authorized, when provided with sufficient funds, to create a department for the inspection of existing dams and reservoirs and for the supervision of the erection of new dams and reservoirs hereafter to be constructed, to the end that said structures may be built with due regard for the safety of property and life which might be endangered by the improper construction of any dams and reservoirs in this State or upon streams between this and any other State.

Maintenance
of existing
dams and
reservoirs.

8. When any dam or reservoir has been in existence twenty years, and the owners of land along the shores above such a dam or on such a reservoir, have made or shall have made permanent improvements on said land or where said shores have become a populated community, depending upon the permanency of the condition created, the owner or owners of such dam or reservoir shall not have the right, without the consent of the State Water-Supply Commission to tear down, destroy or abandon such dams or reservoirs, or withdraw the water below the usual low water-mark or maintain such a condition, except for the purpose of necessary repairs, when a petition, signed by a majority of land owners along the shore of any pond formed by any such dam or reservoir, protesting against the removal of any such dam, water or reservoir, has been filed with the State Water-Supply Commission.

Low water-
mark fixed.

In such a case the State Water-Supply Commission shall grant a hearing, upon twenty days' notice to all

the parties interested, and may then establish and fix a permanent low water-mark, and should it appear that the maintenance of such a dam would be an undue burden upon the owner or owners thereof, the land owners interested above such dam or around such reservoir, may be ordered to pay a part or all of the expenses of maintenance, according to the discretion of the said commission.

9. Should any part or section of this act be declared unconstitutional, such decision shall not affect the force or validity of the remaining portion of this act.

Constitution-
ality of
sections.

10. All acts and parts of acts inconsistent with this act are hereby repealed, and this act shall take effect immediately.

Repealer.

Approved March 28, 1912.

CHAPTER 244.

An Act to incorporate the borough of Peapack and Gladstone, in the county of Somerset.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. The inhabitants of that portion of the township of Bedminster, in the county of Somerset, hereinafter set forth, are hereby constituted and declared to be a body incorporated in fact and in law by the name of the borough of Peapack and Gladstone, and shall be governed by the general laws of this State relating to boroughs.

Official
name.

2. The boundaries of the said borough shall be as follows: Beginning at a point in the middle of the north branch of the Raritan river and at the intersection of the boundaries of the townships of Bernards and Bedminster, in the county of Somerset, and the townships of Chester and Mendham in the county of Morris, and runs thence down the middle of the said north branch of

Boundaries
described.